in those taluks used to contract marriages with the Christians of the Cochin State and that the Regulation stood in the way of effecting such inter-marriages. The Member prayed that the whole of the Syrian Christian community be exempted from the operation of the Regulation, or, that provision might be made allowing those who desired such exemption to claim the same, as otherwise the interests of one large section of the Christian community would be at stake. The procedure for applying for and obtaining such exemption in individual cases should be simplified and definite rules relating to it should be published in the Gazette.

Dewan's reply.—The question of amendments can properly be considered only when difficulties arise in the actual working of the law. It is too early now to think of amendments. The suggestions of the Members are, however, noted.

35. Need for legislation in the matter of *thavazhi* partition in Nair Tarwads.

Mr. R. Narayana Pillai (Member, Neyyattinkara taluk) said that, though the Marumakkathayam Committee was unanimously of opinion that partition should be allowed in Nair Tarwads, no provision to that effect was found in Regulation I of 1088. The Member submitted that it was imperative that *thavazhi* partition should be allowed in Nair Tarwads. The so-called common Karanavans of ancient and respectable families were not able to maintain the prestige and solidarity of the families on account of insubordination and growing dissatisfaction of the junior members. In fact, the Nair Tarwad had now come to a totally different position from what it was when compared with the olden days. The common Karanavan did not manage the family properly and the income was not evenly distributed for the well-being of the several members. It resulted in internal dissensions and endless quarrels and at times compelled some of the members to live separately with their children. In many cases, the Karanavan appropriated a major portion of the family income for the welfare of his children, which was a source of just grievance to the members of the different *thavazhis* who did not derive any material assistance from the family. There were instances, in which Karanavans showed preferential treatment to the members of his own *thavazhi* to the utter disappointment of the other *thavazhis* who had also an equal claim on the Tarwad funds. Under the present system, the junior members had no individual credit and the Tarwad property was not capable of expansion. In view of those evils, the Member prayed that early steps might be taken to amend the Regulation so as to provide for *thavazhi* partition in Nair Tarwads.

Mr. N. C. Kesava Pillai (Member, T. I. C., Neyyattinkara) said that the absence of a law of partition was a long-felt want of the Nair community, that the community was labouring under serious disabilities and that, to the great misfortune of the community and in the face of pronounced consensus of opinion on the subject, a law of partition was denied to them at the time of passing the Nair Regulation. The law of partition was highly necessary for the stability and prosperity of Marumakkathayam Tarwads and a desire for separation of interests was on the increase among the members of the community. Partition was useful in minimising the evils inherent to a joint family system; and corporate ownership and common enjoyment of property were possible only up to a certain stage in any family. The conflict of interests with duty between the remotely-related members, the Karanavan's ingrained tendency to direct his stewardship to his personal advantage, his inordinate desire to benefit his wife and children at the expense of the Tarwad, the number of unnecessary alienations, and, in short, the atmosphere of indifference and apathy that pervaded in the family made it imperative that the Government should intercede and do the needful. The fact that, in Travancore, there was a widespread feeling in favour of *thavazhi* partition would be apparent from the evidence collected by the Marumakkathayam Committee. The Member did not want *all* Nair Tarwads to be divided at once by an order of the legislature. If a Tarwad was capable of enjoying a healthy life, it would and should continue intact. What he advocated was that there should not be any legal disability to demand partition in cases where the conditions of a Tarwad necessitated its members to resort to that course.

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The Member then presented a memorial signed by 29 Nair Members of the Assembly praying that the boon of a law of partition might be granted in deference to the wishes of the community.

Dewan's reply.—Noted.

36. Repeal of the Public Canals and Public Ferries Regulation.

Mr. C. A. Nediry (Member, Ambalapuzha taluk) said that the greatest of the people's grievances was the enforcement of the Public Canals and Ferries Regulation which, he submitted, was unnecessary and unsuited to the country. The working of the Regulation caused great inconvenience, trouble and loss to the people living in the taluks of Ambalapuzha, Shertallai, Vaikom, Ettumanur, Kottayam, Changanacherry, Tiruvalla, Chengannur, Mavelikara, Karunagappally, Kartigappally, Quilon, Chirayinkil and Trivandrum. Their troubles began when that part of the Regulation relating to the Canals was brought into force about 3 years ago; their troubles became all the greater, because the P. W. Department was entrusted with the enforcement of the Regulation and rules.

Dewan.—As you say that you have not read the latest Notification on the subject published in the last issue of the Gazette, I shall give you the substance of it. A representation was made at the previous sessions of the Assembly, and particularly at the last session by the Member for Ambalapuzha taluk. A memorial was also received on the subject. All these were sent to the Chief Engineer for report. Mr. Bastow's report was carefully considered by Government and a Notification was issued to the effect that, in the interests of the public, the Regulation *as a whole* cannot be repealed, but that, if reasonable complaints were made about any specific provisions of the Regulation, they would be duly considered. I may also add that a similar law exists in British India and that Cochin is also contemplating the introduction of a Regulation on the same lines.

The Member said that his contention was that the Regulation was not required in the public interests and he mentioned the following points to support his view:—

(1) The use of a Public Canal was a right of the public established several centuries ago and admitted by the definition of "Public Canals" in section 2. The gist was taken away by the provision in rule 2 requiring that the people should take a certificate of permission from the Executive Engineer before using a Public Canal.

(2) Since the definition of "vessel" in section 2 included rafts of timber also, it was ordered in rule 12 that a certificate should be taken, after payment of a fee, for taking a raft from one place to another through the canal, in the face of the fact that, by section 4 of the Regulation, only those vessels or rafts plying for hire, or, in other words, those which were used for transporting persons or goods, should be registered. In Travancore, no raft was used as a boat for transporting persons or things through the canal. Thus, the rule about the rafts was evidently a mistake.

(3) Under rule 14, no private wharf or landing could be constructed without the sanction of the Executive Engineer. That was a prohibition not contemplated by the Regulation.

(4) Though section 6, sub-section 4, empowered the officers to stop only vessels navigating in contravention of the Regulation, rule 29 ordered that a vessel should be stopped, whenever a Canal Officer required it.

(5) No power is given by the Regulation to seize a boat, though unregistered, but only to stop and detain it under section 6, sub-section 4. In contravention of such provisions, the Canal Officers were daily seizing many boats on the sole ground that they were not registered.

The Member proceeded to explain that the registration of boats was meant only for company boats and similar boats which were solely intended to transport

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